GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Surprise check conducted by ACB over the Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District on 11.05.2017 - Disciplinary action against Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department at O/o Administrative Officer, Integrated Check Post, Purushottapuram - Under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge - Issued.

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REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.792 **Dated:25.07.2019**

Read the following:-

1. From DG, ACB, AP Lr.RC.No.28/DES-VSK/2017-S.12., dated 2-7-2019.
2. G.O.Ms.No.341, Revenue (Vigilance-II) Department, Dated 25-7-2019.

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O R D E R :

It is proposed to hold an enquiry against Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure-III &IV).

3. Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is directed to submit within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above further action will be processed based on the material available.

6. Attention of Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no

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Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri Nagiri Kishore, Junior Assistant, Commercial Taxes Department, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Taxes Departmetn, O/o Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) (through the Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada) (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to:

The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.

The Director General, Anti Corruption Bureau, Andhra Pradesh, P.N.Bus Station, NR Administrative Block, 2nd Floor, Vijayawada.

The file.

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SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI NAGIRI KISHORE KUMAR S/O NETHANIEL, JUNIOR ASSISTANT, COMMERCIAL TAXES DEPARTMENT, OFFICE OF ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM IN SC.NO.21SC-ACB/SKL12017 OF ACB, SRIKAKULAM RANGE.

Sri Nagiri Kishore Kumar S/o Nathaniel, Junior Assistant, Commercial Tax Dept O/o Administrative Officer, Integrated Check Post, Purushottapuram, Ichapuram, Srikakulam District joined as Secondary grade teacher at MEO, Kanchili and subsequently he joined as junior assistant in Commercial Taxes Department on 12-09-2011 and worked in the office of Commercial Tax Office, Kasibugga, Narasannpeta circles of Srikakulam Dist. Later he was transferred to O/o the Administrative Officer, Integrated Check Post, Purushottapuram and he is worked as such from 01.12.2016 to 11.05.2017. He has committed grave mis-conduct in as much as.

CHARGE-01:-

Sri Nagiri Kishore Kumar, Junior Assistant, Commercial Tax Department, Integrated Check Post, Purushottapuram was supposed to be present in the check post from 9 PM on 10.05.2017 to 7 AM on 11.05.2017. He was absent from duty at the time of surprise check without any leave or permission though he signed in the attendance register.

Thus the Government Servant Sri Nagiri Kishore Kumar by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) and 4 (i) of Andhra Pradesh Civil Services (Conduct) Rules,1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI NAGIRI KISHORE KUMAR S/O NATHANIEL, JUNIOR ASSISTANT, COMMERCIAL TAXES DEPARTMENT, OFFICE OF ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM IN SC.NO.2/SC-ACB/SKL/2017 OF ACB, SRIKAKULAM RANGE.

Sri Nagiri Kishore Kumar S/o Nathaniel, Junior Assistant, Commercial Tax Dept O/o Administrative Officer, Integrated Check Post, Purushottapuram, Ichapuram, Srikakulam District. His date of birth is on 07.01.1978. He joined as Secondary grade teacher at MEO, Kanchili and subsequently he joined as junior assistant in Commercial Taxes Department on 12-09-2011 and worked in the office of Commercial Tax Officer, Kasibugga, Narasannpeta circles of Srikakulam District. Later he was transferred to O/o the Administrative Officer, Integrated Check Post, Purushottapuram and he is working as such from 01.12.2016. He is drawing basic pay of Rs. 28,940/- and he attains the age of superannuation on 31-01-2038. (He is here-in-after called as Government Servant).

That on credible information that the employees of Integrated Check Post, Purushottapuram, Ichapuram, Srikakulam District were abusing their official positions and habitually indulging in corrupt practices by collecting illegal gratification directly and also through un authorized agents (private persons) from the crew members/owners of the vehicles, passing through the check post and allowing those vehicles to pass through the check post without conducting physical verification of the vehicles, connected records of the goods being transported and of those vehicles and thereby causing pecuniary advantage for themselves and pecuniary loss to the Government exchequer, the Anti Corruption Bureau Authorities conducted surprise check over the above said office on 11.5.2017.

During the proceedings, the surprise check party took control of three private persons i.e. Sri Saggu Santha Rao who was found present at Incoming and Outgoing counter of Commercial Taxes Department, Sri Neyyal Prakash who was found present at Forest Counter of Forest Department and Sri Nandika Chinna who was found present at counter of Agricultural Market Committee while they were collecting mamools from the crew members on behalf of the employees of the check post. On physical verification of the three private persons, the cash an amount of Rs.6,200/-, Rs.5,400/- and Rs.3,100/- found in their possession respectively, Total of Rs.14,700/- seized from their possession for further enquiry.

During the surprise check, the Deputy Superintendent of Police questioned about their presence and possession of cash, they stated that they were engaged by the officials of Commercial Taxes Department, Forest Department and Agricultural Market Committee of the check post to collect mamools from the crew members/ owners of the vehicles (which were passing through the check post) for stamping their records and for issuing transit passes etc. without physically verifying the vehicles and goods being transported. They would collect the bribe amounts from crew members/owners of the vehicles @ Rs.200/- to Rs.500/- for the officials of commercials taxes department, forest department and Agricultural market committee. They would take Rs.10/- of the collected bribe amount and handover the remaining bribe amounts to the officials. In turn, the staff members of the check post stamping the vehicular records in a routine manner without physical verification of the vehicles and without scrutinizing the records of the vehicles. They also stated that many private agents were working on behalf of the officials of the check post for collection of bribe

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amounts and lot of those private agents ran away when the Anti Corruption Bureau officials of Anti Corruption Bureau entered into the check pot premises. They did not know the details of the other private agents. The drivers/cleaners who are passing through the check post were examined and they corroborated with the version of the private agents. The statements of the drivers/cleaners and private persons were recorded.

When the Deputy Superintendent of Police asked Sri P.Venugopala Rao, Deputy Commercial Tax Officer to produce the attendance register, duty register and personal cash declaration register of the check post, he produced duty register, attendance register and personal cash declaration register. The Deputy Superintendent of Police verified the personal cash register maintained in the check post and noted the irregularities in the proceedings.

During course of proceedings, it is observed that the drivers/crew members, who are coming for stamping on their documents, as a routine, giving bribes ranging from Rs.200/- to Rs.500/- at Commercial Taxes Department counter and an amount of Rs.24,700/- was collected at the counter of incoming & outgoing counter of Commercial Tax Department from 5 AM to 6.00 AM, was seized by the Deputy Superintendent of Police for their enquiry.

The Deputy Superintendent of Police verified the registers and found that the Government Servant is supposed to be present in the check post for 9 PM on 10.05.2017 to 7 AM on 11.05.2017 but was absent from duty at the time of surprise check without leave or permission though he had signed in the attendance register.

The evidence on record is sufficient to prove the Government servant that he was absented from duty at the time of surprise check without any leave or permission though he had signed in the attendance register. Thus the Government Servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) and 4 (i) of Andhra Pradesh Civil Services (Conduct) Rules,1964 for major penalty.

The Government Servant has therefore rendered himself liable to place him on his defense before the Commissioner of Enquires (COI) for the violation of 3(1) & (2) and 4(i) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SRI NAGIRI KISHORE KUMAR S/O NATHANIEL, JUNIOR ASSISTANT, COMMERCIAL TAXES DEPARTMENT, OFFICE OF ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM ARE PROPOSED TO BE SUSTAINED.

DOCUMENTARY EVIDENCE:-

1	Original mediators report dated on 11-05-2017 from 4.15 AM to 6.45 AM drafted at ICP, Purushottapuram, Itchapuram
2	Attendance register
3	Duty Register maintained from 10-03-2017 to 10-05-2017
4	Duty Roster Sheet
5	Personal Cash Declaration Register of CT Department maintained from 10-03- 2017 to 10-05-2017
6	Reply from DC(CT), Vizianagaram in C.No. DC, VZM, PS:Ref.No.159/2017, A1, dated 22-06-2017.
7	If any document required, will be submitted

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI NAGIRI KISHORE KUMAR S/O NATHANIEL, JUNIOR ASSISTANT, COMMERCIAL TAXES DEPARTMENT, OFFICE OF ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM ARE PROPOSED TO BE SUSTAINED.

ORAL EVIDENCE:-

1	Sri Bommana Ravikumar S/o Nagaraju, 48 yrs, Addl. Assist. Engineer, APEPDCL, Srikakulam R/o Plot No.15, Second lane, PN colony, Srikakulam.
2	Sri Mallavarapu Venkata Sudhakara rao S/o Chiranjeevi, 37 yrs, Junior Assistant, APEPDCL, Srikakulam, R/o D.No.2-5-156, Illisipuram, Srikakulam. LW-1 & 2 speak about their presence as official mediators at the time of surprise check conducted on the integrated check post and observation of happenings at the check post and preparation of the proceedings etc facts.
3	Sri K.Rajendra Rao, Deputy Superintendent of Police, ACB, Srikakulam Range. He speaks to the fact of his supervision of surprise check conducted on the Integrated check post, Purushottapuram, Itchapuram and observations on the happening at the counters of check post, about the collection of mamools by the officials of check post from the transport drivers, apprehension of the private persons, seizure of amount, relevant documents and registers during the proceedings.
4	Sri P.Srinivas Rao, Inspector of police, ACB, Srikakulam Range. He speaks to the facts of his assisting the DSP, ACB during the surprise check and observations on the happening at the counters of check post and obtained required information from concerned department and submitted the detailed report to the HO.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER